

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH RICKENBACKER,

Petitioner,

-against-

SUPERINTENDENT LA MANNA,

Respondent.

21-CV-6478 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 2, 2021, the Court directed Petitioner to file a declaration within thirty days showing cause why his petition should not be denied as time-barred and what he had done to exhaust his administrative remedies. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed a declaration. Accordingly, the petition is dismissed as time-barred.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 14, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge